

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOWELL REED, (PRO SE),

RECEIVED
SDNY PRO SE OFFICE

2016 JAN -8 PM 3: 17

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

"THE CITY OF NEW YORK, et al".,
"POLICE OFFICER; JOHNSON, 100 PCT",
IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,
"QUEENS COUNTY DISTRICT ATTORNEY,
MR. RICHARD A. BROWN, ESQ, IN HIS -
OFFICIAL AND INDIVIDUAL CAPACITY";
"DEFENSE COUNSEL, Lori Golombek
IN HIS OFFICIAL & INDIVIDUAL CAPACITY,

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)

16 CV 0202

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name MR. LOWELL REED NYSID#04353897P
ID # 825-15-00804
Current Institution AMKC FACILITY
Address 18-18 HAZEN STREET
EAST ELMHURST, NY 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name "THE CITY OF NEW YORK" Shield # _____
Where Currently Employed NYC
Address 100 CHURCH STREET
NEW YORK, NY 10007

Defendant No. 3 Name RICHARD A. BROWN, ESQ. Shield #
Where Currently Employed QUEENS COUNTY D'A
Address 125-01 QUEENS BLVD.,
KEW GARDENS, NY 11451

Defendant No. 4 Name DEFENSE COUNSEL, Lori Golan Berk Shield #
Where Currently Employed 400 Post Avenue, Suite
Address 205 Westbury New York 11590

Defendant No. 5 Name _____ Shield # _____
Where Currently Employed _____
Address _____

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?
QUEENS COUNTY CRIMINAL & SUPREME COURTHOUSE UNDER BOTH,
(DOCKET #QS1301552); (IND. NO.: 00025-2012).

B. Where in the institution did the events giving rise to your claim(s) occur?
(QUEENS COUNTY, QUEENS N.Y., QUEENS COURTHOUSE)

C. What date and approximate time did the events giving rise to your claim(s) occur?
(SEE: PRELIMINARY STATEMENT OF FACTS) (NATURE OF CLAIM)

D. Facts: [SEE: EXHIBIT (A): LETTER DATED; NOV 20th, 2015, BY SEAN A. McNICHOLAS, P.C., ALSO: EXHIBIT (B): NYC DEPT OF PROBATION REPORT, DATED; 1-8-2015 & 5-14-2015, AS DATES OF FAILURE TO REPORT, SIGNED AND DATED; 1020-15 BY BOTH, SUPERVISOR & PROBATION OFFICER]. . .

THIS PROBATION IS CONTINUOUS & CONTINUING DAMAGES & INJURIES THAT GOES TO STATUTE OF LIMITATIONS FOR FILING. THE PLAINTIFF WAS DENIED HIS RIGHT TO A FAIR TRIAL, AND THE ARREST CONSTITUTED A "FALSE ARREST". THE NEW YORK COUNTY DISTRICT ATTORNEYS OFFICE MALICIOUS* PROSECUTED THIS PLAINTIFF, THIS ALSO WAS COMPLETED AS PART OF A CONSPIRACY, SINGLING OUT THE PLAINTIFF, FROM TWO CO-DEFENDANT'S. THIS WAS ALSO COMPLETED AS THE PLAINTIFF'S DEFENSE COUNSEL CONSPIRED AND COMMITTED LEGAL MALPRACTICE, AS ALL PARTIES SET BACK AND LET (SCJ) HON. KHOM, ILLEGALLY SENTENCE THE PLAINTIFF TO A PERIOD OF (3-YEARS PROBATION AND 4-MONTHS), AS THE PLAINTIFF, MAQUITTED OF ALL FELONY CHARGES, AFTER A TRIAL, HAD 18-(+) MONTHS IN, AND WAS SENTENCED TO (P.L. § 140.15, CRIMINAL TRESPASS), A CLASS (A) MISDEMEANOR. A TOTAL OF (8) MONTHS IS ALL THAT POSSIBLE TO SERVE. . . THE PROBATION OF TIME/MONTHS IN, CANNOT BE CREDITED AS A SENTENCE IS UNAUTHORIZED. THEREFORE, ALL MINISTERIAL, DOCUMENTATION IS INVALID ON IT'S FACE. ALL DOCUMENTS HAD TO BE MANUFACTURED TO COVER-UP THE COURTS UNAUTHORIZED & ILLEGAL SENTENCE. A TIME SERVED, RELEASE TO PROBATION WAS THE ONLY RESULT POSSIBLE.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. [SEE: ATTACHED : 'FACTS']
[Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

N/A

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes XX No

D. CONTINUED:

ATTACHED : FACTS
42 U.S.C. § 1983

THE PLAINTIFF'S CO-DEFENDANT'S WERE BOTH

ARRESTED AMONTH PRIOR TO THE PLAINTIFF, ON OR AROUND, OCT, MID 2011. MR. CHRIS ZANTINO AND, EDWARD SHEEHAN, BOTH, WHITE MALES. THESE TWO WERE ORIGINALLY APART OF THE SAME ARREST EVENTS, SAME CRIME EVENTS AND, SAME FELONY COMPLAINTS. YET, MR. SHEEHAN TESTIFIED BEFORE THE GRAND JURY AND TURNED STATES ON THE PLAINTIFF.

SOON THEREAFTER, HE COULD NO LONGER BE LOCATED BY THE DISTRICT ATTORNEYS OFFICE.

AFTER THE DEFENDANT/PLAINTIFF USED A PHONE AND WAS RECORDED. THE PEOPLE CLAIMED IT WAS EVIDENCE AND USED IT AGAINST THE PLAINTIFF. INDICTMENT # 00025-2012, CASE #QS130-1552, PEOPLE V. LOWELL REED, WENT FORWARD AND THE PLAINTIFF WAS AQUITTED OF ALL FELONY COUNTS, ONLY TO BE LEFT WITH SAID MISDEMEANOR COUNT. THAT COUNT, A CLASS A, IS ONLY (1) CITY YEAR. THE PLAINTIFF HAD OVER (18) MONTHS IN AT THE TIME OF HIS SENTENCING, AND, WAS DELAYED SENTENCING, AS IF HE STILL HAD A FELONY COUNT.

THIS SUIT ADDRESSES THE FALSE IMPRISONMENT, EXTRA TIME, INADEQUATE SENTENCING, CONSPIRACY, DUE PROCESS VIOLATION, PROCEDURAL DUE PROCESS VIOLATION, EQUAL PROTECTION OF LAW VIOLATION, MALICIOUS PROSECUTION, LEGAL MAL-PRACTICE, ALSO, THE DENIAL OF A FAIR TRIAL. (UNITED STATES CONSTITUTIONAL AMENDMENT'S, 5Th, 6Th, 8Th and 14Th, N.Y. STATE CONST. AMEND. Art. 1, § 6).*

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No ____ Do Not Know ____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ____

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. _____

F. If you did not file a grievance: N/A

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state who you informed, _____

when and how, and their response, if any: _____

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. The Court Justice, D'A & Legal Aid Intentionally Decided Not To Grant Me Due Process of Law, Follow The Rules, Statutory Regulations pursuant to, Penal Law § 70.00, 70.04, 70.06 & 70.08, also, Rules of Probation & City Jail Sentencing Time Statutes.
There is simply no type of defense for set Ministerial Violations, Therefore, It is claimed that each event was done with malice thought. It not like these professionals did not know what they had done!!!

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). Compensatory & Montary Damages, including, Punitive Damages to be Set by the Court, \$20.000.000.00 Dollars, For all Listed Constitutional Violations, Causes of Action, False Imprisonment, Malicious Prosecution, Legal Malpractice, Conspiracy, Pain Suffering, Mental Anguish, Stress, Duress, Intentional Infliction of Emotional Detress, Cruel & Usual Punishment.

VI. **Previous lawsuits:**

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No XXX

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

N/A

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ____ No XX

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of 12-15, 2015

Signature of Plaintiff

Inmate Number

Institution Address

Amal Reed
825-150-0804
18-18 HAZEN ST
EAST ELMHURST NEW YORK
11370
A.M.H.C.

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this ____ day of 12-15, 2015, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Amal Reed

exhibit (A):

Law Office of
Sean A. McNicholas, P.C.
Silver Towers
125-16c Queens Boulevard
Kew Gardens, New York 11415
Telephone (718) 261-0033 Facsimile (718) 261-1919
Seanlawoffice@yahoo.com

November 20, 2015

Mr. Lowell Reed
NYSID # 04353897P
Anna M. Kross Center (AMKC)
18-18 Hazen Street
East Elmhurst, NY 11370

Re: Indictment # 25/2012
My file # 150135

Dear Mr. Reed,

Please allow this letter to memorialize what has occurred in Court today, to serve as a reminder of your next Court date regarding the above referenced criminal matter, and to outline what should occur in the meantime.

WHAT HAS OCCURRED SO FAR

Today, in Part K-13, in front of Judge Wong, I was assigned by the Court to represent you regarding your violation of probation criminal matter. You were not produced, and your case was adjourned. Enclosed is a copy of the specifications filed against you.

WHAT YOU ARE ACCUSED OF

You are accused of violation the terms of your probation, you are risking up to one (1) year in jail.

YOU'RE NEXT COURT DATE

Your next Court date regarding your above referenced criminal matter is December 1, 2015, at 9:30 a.m., in Part K-13.

OFFER TO SETTLE YOUR CASE

At this time there is no offer to settle your case.

WHAT IS OCCURING RIGHT NOW

Between now and the next Court date, we are researching your new case.

WHAT WILL HAPPEN ON THE NEXT COURT DATE

Hopefully, you will be produced in Court, and perhaps there will be an offer to settle your VOP.

IMMIGRATION

I do not recall discussing this issue with you the other day. If you are not a citizen of the United States, there could be immigration consequences as a result of the final disposition of this matter. Please let me know if you are a citizen of the United States.

If you have any questions regarding this matter or any other legal matter, please do not hesitate to contact me.

Very truly yours,

SAM/rsh

Enclosure:

Correspondence # 01

Sean A. McNicholas

exhibit (B):

**New York City Department of Probation
Manhattan High Risk Branch**

Specification(s) of Alleged Violation of Probation

Probationer: REED, LOWELL

Case #: QS1301552

Docket/Indictment #: 00025-2012

Address: 84-00 Shorefront Parkway
apt3M Far Rockaway, NY 11693

THE ABOVE NAMED PROBATIONER WAS CONVICTED OF PL 140.15 – CRIMINAL TRESPASS AND WAS SENTENCED ON 9/23/13 TO A PERIOD OF 3 YEARS PROBATION AND 4 MONTHS BY THE HONORABLE KHOM.

The probationer was furnished a written copy of the Probation Conditions at the time sentence was imposed.

The Probation Department alleges that there is reasonable cause to believe that the above named probationer violated a condition of the sentence as follows:

Specification #1

The probationer failed to lead a law-abiding life, to wit: on 8-5-2015 in Queens County, New York the probationer did agree to sell a quantity of controlled substances in exchange for a sum of USC. The probationer did receive USC from under cover and never returned. The probationer was subsequently arrested on 8/6/15 and charged with 220.16 – Criminal Possession Control Sub 3rd Degree : Narcotic Drug Intent to Sell, PL 220.39 – Criminal Sale Control Substance 3rd : Narcotic Drug, PL 220.03 – Criminal Possession Control Substance 7th Degree and PL 155.25 – Petit Larceny under Queens County Criminal Court Docket number 2015QN039217.

Specification #2

The probationer failed to lead a law-abiding life, to wit: on 12/10/13 in Queens County, New York, the probationer was charged with VTL 0511 – Aggravated Unlicensed Operation Motor Vehicle 2nd Degree, VTL 0509 – Motor Vehicle License Violation: No License and VTL 0375 – Failed To Use Headlights with Windshield Wipers. On 9/29/14 the probationer was subsequently convicted and charged and charged with NYS VTL§ 0511 – Aggravated Unlicensed Operation Of a Motor Vehicle 3rd Degree under Queens County Criminal Court Docket number 2013QN068015. The probationer pleads guilty and was sentenced to 30 days jail and \$300 fine. A Bench warrant was issued ~~and the probationer was~~
~~ROR.~~

150135

#6 *[Signature]*
12/1

Probationer: Reed, Lowell
Dkt/Ind. Number: 0025-2012
Case Number: QS1301552

Specification #3

The probationer failed to promptly notify the Probation Officer that he was arrested on 8/6/2015 in Queens County, New York and charged with 220.16 – Criminal Possession Control Sub 3rd Degree: Narcotic Drug Intent to Sell, PL 220.39 – Criminal Sale Control Substance 3rd: Narcotic Drug, PL 220.03 – Criminal Possession Control Substance 7th Degree and PL 155.25 – Petit Larceny under Queens County Criminal Court Docket number 2015QN039217.

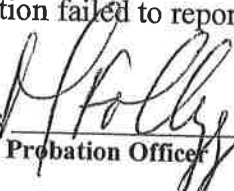
Specification # 4

On or about 6/22/15, the probationer changed his address from 84-00 Shore Front Parkway Queens, New York to an unknown address and he failed to promptly notify the Probation Officer prior to such change.

Specification #5

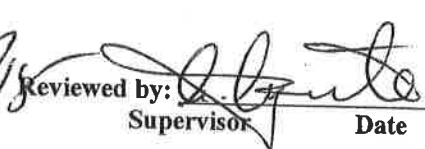
The probation failed to report to the probation officer as directed on 5/14/2015 and thereafter. to 8/2015

Attested by:


Probation Officer

Date

Reviewed by:


Supervisor

Date

I hereby acknowledge receipt of a copy of the above.

Probationer's Signature

Date

Original to Court / Copy to Probationer / Copy to Probation Dept.

2120-5/82R

Lowell Reed # 825-150-0804
18-18 Hazen Street
East 21st Street New York 10070
A.M.K.C.

RECEIVED
SDNY PRO SE OFFICE
2016 JAN -8 PM 3:18

Pro-Se Clerk's Office
U.S. Court House
Southern District of New York
500 Pearl Street N.Y. N.Y. 10007



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